



**PLANNING COMMISSION
CITY HALL – COUNCIL CHAMBERS – 2101 JEFFCO BOULEVARD
TUESDAY, AUGUST 13, 2019**

MEMBERS: Andrew Sutton (Chair), Frank Kutilek (Second), Alan Bess (Secretary), Jeff Campbell, Justin Lurk, Christopher Ford, John Tucker, Del Williams, Brian McArthur (Council Liaison). **STAFF:** Robert Sweeney (City Attorney), David Bookless (Community Development Director), Christie Hull-Bettale (Community Development Engineer), Sarah Turner (Community Development Planner).

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF AGENDA

5. APPROVAL OF MINUTES: July 9, 2019

6. PUBLIC COMMENT

7. PUBLIC HEARING(S):

- a. 2019-30 Arnold Animal Hospital: Request to amend the existing "C-4" Planned Commercial Zoning for Lot 6b, Commerce Office Park 2, near Municipal Drive and Astra Way to allow for a veterinary clinic.
- b. 2019-31 Arnold Animal Hospital: Conditional Use Permit for the construction of a veterinary clinic on Lot 6b, Commerce Office Park 2, near Municipal Drive and Astra Way.
- c. 2019-24 Site Plan Review: A City-initiated request to amend Chapter 405, Zoning, of the Code of Ordinances to modify definitions and regulations related to site plan review. [CONTINUE TO AUGUST 27, 2019]

8. OLD BUSINESS: None

9. NEW BUSINESS:

- a. 2019-27 St. Louis COG: Request for an appeal from the Tree Preservation Ordinance requirements for a property located at 4009 Jeffco Blvd.
- b. 2019-29 Syberg's: Request for Commercial Site Plan approval in order to enclose the existing patio at 249 Arnold Crossroads.
- c. 2019-30 Arnold Animal Hospital: Request to amend the existing "C-4" Planned Commercial Zoning for Lot 6b, Commerce Office Park 2, near Municipal Drive and Astra Way to allow for a veterinary clinic.
- d. 2019-31 Arnold Animal Hospital: Conditional Use Permit for the construction of a veterinary clinic on Lot 6b, Commerce Office Park 2, near Municipal Drive and Astra Way.

10. STAFF UPDATE

11. COMMISSIONERS UPDATE

12. COUNCIL LIAISON REPORT

13. NEXT SCHEDULED MEETING: August 27, 2019

14. ADJOURNMENT

The Public is welcome to comment on any item on this agenda following presentations by the Staff and petitioner. Comments concerning items not on the agenda should be made during the Public Comment section of the agenda, near the beginning of the meeting. When you address the Planning Commission, please step to the podium and state your name and address into the microphone. Unless otherwise directed by the Chairperson, individuals may speak for three minutes, while those representing a group may speak for six minutes.



**PLANNING COMMISSION MEETING
CITY HALL COUNCIL CHAMBERS
AUGUST 13, 2019**

MINUTES

The regular meeting of the Arnold Planning Commission was called to order by Chairman Andrew Sutton at 7:00 p.m. The Pledge of Allegiance was recited by those in attendance.

ROLL CALL OF COMMISSIONERS: Del Williams, John Tucker, Brian McArthur, Alan Bess (excused), Frank Kutilek, Jeff Campbell, Andrew Sutton, Chris Ford, Justin Lurk (excused), David Bookless, Sarah Turner, Christie Hull-Bettale and Bob Sweeney. 7 voting members present, 2 excused.

REVIEW AND APPROVAL OF AGENDA: Motion by Jeff Campbell to approve the agenda as presented. Second by Del Williams. Voice Vote – *Unanimously Approved*.

APPROVAL OF MINUTES: Motion by Brian McArthur to approve the minutes as presented from the July 9, 2019 meeting as presented. Second by Frank Kutilek. Voice Vote - *Unanimously Approved*.

PUBLIC COMMENT: Stephen Hollander, Hollander Architects, introduced himself and stated he was in attendance to answer any questions concerning the site plan for Syberg's.

Eric Skelton, Clayton Engineering, introduced himself and stated he was in attendance to answer any questions concerning the request for appeal from the requirement for Tree Preservation Plan for 4009 & 3993 Jeffco Blvd.

PUBLIC HEARINGS:

- a. **2019-30 Arnold Animal Hospital:** Sarah Turner stated the applicant is seeking to amend and replace the existing "C-4" Planned Commercial District for the property at Commerce Office Park 2 Lot 6B near Municipal Drive and Astra Way to allow for a Veterinary Clinic. Staff finds that the proposed change of zoning meets the review criteria and further advances the intent of both the Comprehensive Plan and Zoning Ordinance. Based on this finding, Staff requests favorable consideration of the application, subject to the provisions contained in Attachment "A" (attached).
- b. **2019-31 Arnold Animal Hospital:** Sarah Turner presented the request for a Conditional Use Permit for a Veterinary Clinic at Commerce Office Park 2 Lot 6B near Municipal Drive and Astra Way. Several issues that Staff reviewed were parking, landscaping, fencing, storm water and noise and found that the proposed Conditional Use Permit meets the review criteria and is in compliance with the Zoning Ordinance and Comprehensive Plan. Based on this finding, Staff requests favorable consideration of the application, subject to the following conditions:
 1. When animals are in exterior areas, they must be supervised by a caregiver at all times.
 2. Signs must be posted to instruct pet owners to keep animals on leashes or in crates until to be in the parking lot or driveway areas.
 3. All interior and exterior areas must be kept in a sanitary condition and trash pick-up must be scheduled as frequently as necessary to prevent odors and other nuisances to surrounding properties.
 4. All fences must utilize materials as approved and be in good condition.
 5. Landscaping as approved shall be properly maintained.
 6. Conditional Use Permit, Business License, and Occupancy Permit may be revoked if any nuisance is not mitigated to satisfaction of the City.
 7. Approval for Conditional Use Permit does not supersede other local, state, or federal requirements.

8. Rock Community Fire Protection District compliance requirements per Fire Marshal Jeff DeLapp:
 - a. Section D102 – Required Access
 - b. Grade D103.2 – Grade not to exceed 10%
 - c. Section D105 – Aerial Fire Apparatus Access Roads

Dan Govero, Govero Land Services, commented that they will be able to address all of the conditions.

Del Williams questioned why nine (9) foot parking spaces would be allowed. Mr. Govero explained that in order to have the required landscaping in the parking spaces, they will need to be nine (9) foot. The spaces that will be nine (9) foot are for employees only, which is allowed and will be marked “Employees Only.” All other spaces will be ten (10) foot.

Chris Ford asked about the fence. Mr. Govero stated it will be a flat chain link fence. Mr. Ford commented that his concern is people looking under there. Andrew Sutton encouraged the applicant to consider screening.

- c. **2019-24 Amendment to Site Plan Review:** David Bookless requested this discussion be continued to the August 27, 2019 meeting.

OLD BUSINESS: None

NEW BUSINESS:

- a. **2019-27 St. Louis COG:** Christie Hull-Bettale presented a request for appeal from the requirement for a Tree Preservation plan for 4009 and 3993 Jeffco Blvd. for a rough grading project. 4009 Jeffco encompasses the majority of the project. The existing buildings and related parking are located outside the city. However, toward the rear of this parcel, 4009 Jeffco is bisected by the Arnold – Jefferson County boundary line and a portion of the property is within the city. There is minimal grading planned for 3993 Jeffco. This property is within the city and the building, car lot and parking are at the front of the parcel. 70% of the densely wooded 1.25 acre parcel will remain undisturbed and the disturbed area on the 2.56 acre piece had no trees on it in 2005. Given that variance approval is granted, Staff recommends including the following two (2) conditions:
 1. The variance to the Tree Preservation Program is applicable to this individual combined project including *only* 4009 and 3993 Jeffco, as further described in the project plan.
 2. Should the project scope and limits change; the Planning Commission review shall be required.

Dell Williams questioned why they don't annex the Jefferson County portion into the City. David Bookless commented that he feels once there is a development plan, there would be a good chance that they annex the property into the city.

Brian McArthur questioned what they mean by rough grading. Wants to make sure they plan on re-seeding and not just leave raw dirt.

Motion by Brian McArthur to approve 2019-27, St. Louis COG, Inc., request for an appeal from the Tree Preservation Ordinance requirements for a property located at 4009 Jeffco Blvd. based on the amended findings (*note: monetary expense is not a valid finding, the Commission considers the city-county boundary bisecting the property is a particular hardship*) and the following two (2) conditions:

1. The variance to the Tree Preservation Program is applicable to this individual combined project including *only* 4009 and 3993 Jeffco, as further described in the project plan.

2. Should the project scope and limits change; the Planning Commission review shall be required.

Second by Del Williams. Roll call vote: Chris Ford, yes; Brian McArthur, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 7 yeas – 0 nays – *Motion Approved.*

- b. **2019-29 Syberg's:** Christie Hull-Bettale presented an amendment to the Commercial Site Plan for Syberg's Restaurant to allow for a building addition. The amendment is for a dining room addition in the location of the existing outdoor dining area. Staff recommends the Planning Commission approve the commercial site plan with the condition that landscape be installed as indicated on the plan and to replace, at the direction of Staff, that which is missing or dead on site.

Frank Kutilek addressed the current parking issues and asked if they will meet the parking requirements. Christie stated that since the seating will remain the same they do meet the requirements.

Kurt Syberg commented that the City of Arnold has been very good to them.

Motion by Jeff Campbell to approve 2019-29, Commercial Site Plan amendment to allow for a dining room addition in the location of the existing outdoor dining area at 249 Arnold Crossroads Center (Syberg's) with the condition that landscape be installed as indicated on the plan and to replace, at the direction of Staff, that which is missing or dead on site. Second by Frank Kutilek. Roll call vote: Chris Ford, yes; Brian McArthur, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 7 yeas – 0 nays – *Motion Approved.*

- c. **2019-30 Arnold Animal Hospital:** Motion by Jeff Campbell to approve 2019-30, to amend and replace the existing "C-4" to allow for a veterinary clinic at Commerce Office Park 2 Lot 6B near Municipal Drive and Astra Way subject to the provisions contained in Attachment "A". Second by Frank Kutilek. Roll call vote: Chris Ford, yes; Brian McArthur, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 7 yeas – 0 nays – *Motion Approved.*
- d. **2019-31 Arnold Animal Hospital:** Brian McArthur asked if some of the nine (9) foot parking spaces would be for customers.

Kevin Kohne, 3330 Deer Ridge Dr., Festus, MO explained that the nine (9) foot parking spaces for the employees will be on the side of the building where there is no entrance. He is not sure how they will be marked but the employees get there before the clients, and will take up those spots. David Bookless commented that Staff will work with them to make sure they are properly marked.

Motion by Jeff Campbell to approve 2019-31, Conditional Use Permit for a Veterinary Clinic at Commerce Office Park 2, Lot 6B near Municipal Drive and Astra Way with the eight (8) conditions:

1. When animals are in exterior areas, they must be supervised by a caregiver at all times.
2. Signs must be posted to instruct pet owners to keep animals on leashes or in crates until to be in the parking lot or driveway areas.
3. All interior and exterior areas must be kept in a sanitary condition and trash pick-up must be scheduled as frequently as necessary to prevent odors and other nuisances to surrounding properties.
4. All fences must utilize materials as approved and be in good condition.
5. Landscaping as approved shall be properly maintained.

6. Conditional Use Permit, Business License, and Occupancy Permit may be revoked if any nuisance is not mitigated to satisfaction of the City.
7. Approval for Conditional Use Permit does not supersede other local, state, or federal requirements.
8. Rock Community Fire Protection District compliance requirements per Fire Marshal Jeff DeLapp:
 - a. Section D102 – Required Access
 - b. Grade D103.2 – Grade not to exceed 10%
 - c. Section D105 – Aerial Fire Apparatus Access Roads

Second by Del Williams. Roll call vote: Chris Ford, yes; Brian McArthur, yes; John Tucker, yes; Frank Kutilek, yes; Jeff Campbell, yes; Del Williams, yes; Andrew Sutton, yes. 7 yeas – 0 nays – **Motion Approved.**

STAFF UPDATE: David Bookless – Site Plan Review will be on next agenda; the first meeting in September there will be a closed amendment to the Medical Marijuana Ordinance; Cedarhurst development is progressing.

Christie Hull-Bettale – no Report

Sarah Turner – no Report

Bob Sweeney – no Report

COMMISSIONERS UPDATE:

Chris Ford - no report.

John Tucker – no report.

Jeff Campbell – no report.

Del Williams – no report.

Frank Kutilek – no report.

Andrew Sutton – asked if there is a reason the last house has not been demolished yet on the Cedarhurst site. Christie stated she was not sure why.

COUNCIL LIAISON REPORT:

Brian McArthur – new dog park is open; happy the Tree Preservation Ordinance is working as planned.

NEXT SCHEDULED MEETING: August 27, 2019

ADJOURNMENT: Meeting adjourned at 7:55 p.m.

Respectfully Submitted,



Jeff Campbell

Acting Planning Commission Secretary

ATTACHMENT "A"

"C-4" PLANNED COMMERCIAL DISTRICT REGULATIONS

COMMERCE OFFICE PARK 2 LOT 6B, ARNOLD ANIMAL HOSPITAL

All provisions of the City of Arnold City Code shall apply to this development except as specifically modified herein.

I. SPECIFIC CRITERIA

A. USES

1. Permitted Uses allowed in this "C-4" Planned Commercial District shall be:
 - a. All uses permitted in the "C-1", "C-2", and "C-3" Commercial Districts, including the following:
 - (i) General offices
2. Conditional Uses allowed in this "C-4" Planned Commercial District shall be:
 - a. Conditional Uses listed in the "C-1", "C-2", and "C-3" shall be granted in accordance with procedures contained in Section 405.870, Conditional Use Permits, of the Zoning Ordinance, including the following:
 - (i) Veterinary clinics and hospitals

B. FLOOR AREA AND HEIGHT REQUIREMENTS

1. Floor Area
 - a. The total building floor area within this development shall be as approved on the Final Site Development Plan attached hereto as Attachment "B".
2. Height
 - a. The development shall adhere to the General Height Regulations of the City of Arnold Code and as restricted by application of regulations of Section 405.650.

C. SETBACKS AND LOT COVERAGE REQUIREMENTS

1. Setbacks
 - a. Setbacks for parking areas and structures shall adhere to the General Lot Area and Yard Requirements of the "C-4" Planned Commercial District of Section 405.340 and as approved on the Final Site Development Plan, including the following:
 - (i) No structures within fifty (50) feet of Municipal Drive right-of-way
 - (ii) No structures within twenty (20) feet of Missouri State Route 141 right-of-way
2. Lot Coverage
 - a. The maximum lot coverage shall be no greater than twenty-five percent (25%) of the total lot area, or twenty percent (20%) of the total lot area in the case of multiple floor buildings.

D. PARKING AND LOADING REQUIREMENTS

1. Parking and loading spaces for this development will be as required in the City of Arnold Code, and as follows:

- a. Veterinary clinics and hospitals shall provide four (4) spaces per veterinarian and one (1) space per additional employee
- 2. Except as otherwise provided in this Attachment “A”, the requirements for off-street parking shall be implemented in regard to the minimum dimensions in the Parking Dimensions Table contained in Section 405.330(A)(7)(f), District and Use Regulations of the “C-3” Commercial District, of the Zoning Ordinance.
- 3. A stall dimension of nine (9) feet by eighteen (18) feet or equivalent may be utilized for off-street parking stalls provided in excess of the minimum requirements set forth when designated for compact car use. Stalls designated for compact use shall be clustered and marked by appropriate signage.
- 4. No construction related parking shall be permitted within right of way or on any existing roadways. All construction related parking shall be confined to the development.
- 5. Provide adequate temporary off-street parking for construction employees. Parking on non-surfaced areas shall be prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.

E. FENCE AND LANDSCAPING REQUIREMENTS

- 1. Fence
 - a. Continuous, minimum four (4) foot high, fencing, with a minimum three (3) foot wide opening or gate to any street side for emergency access, shall be required to enclose yards intended for exterior play/relief for animals.
- 2. Landscaping
 - a. Any part of a lot area not used for buildings or other structures or for parking, loading, or access shall be landscaped with grass, ground cover, trees, shrubs, and pedestrian walks in accordance with the following minimum requirements:

Minimum caliper for deciduous trees	2 inches
Minimum height for coniferous trees	6 feet
Minimum size shrub or bush	5 gallon
Tree mix:	Maximum of 40% of one species
Distribution:	1 tree per 10 parking spaces with 75% of those trees within the parking area
	1 foundation plant (shrub or bush) per 20 feet of exposed wall area

- b. The list of allowed plant species is located in Section 405.330 (A)(5)(f), District and Use Regulations of the “C-3” Commercial District, of the Zoning Ordinance.
- c. Minimum landscaping shall be met and properly maintained.

F. SIGN REQUIREMENTS

1. Signs shall be permitted in accordance with the regulations of the City of Arnold Code or a Sign Package may be submitted for the planned district. Sign Packages shall adhere to the City Code and are reviewed and approved by the City of Arnold Planning Commission.

G. LIGHTING REQUIREMENTS

1. Provide a lighting plan and cut sheet in accordance with the City of Arnold Code.

H. DESIGN REQUIREMENTS

1. Architectural elements, construction materials, and colors shall be as depicted on the approved Final Site Development Plan.
2. Trash enclosures: All exterior trash areas will be enclosed with a minimum six (6) foot high sight-proof enclosure complemented by adequate landscaping. The location, material, and elevation of any trash enclosures will be as approved by the City of Arnold on the Final Site Development Plan.

I. ACCESS/ACCESS MANAGEMENT

1. Access to the development shall be as shown on the Final Site Development Plan.

J. STORM WATER AND GRADING

1. Per City regulation, storm water quantity and quality management requirements shall be evaluated for all projects, and specifically, will be required for development and redevelopment projects in this district.
2. On sites of twenty percent (20%) or less existing imperviousness, controls shall be provided and implemented to prevent or minimize water quality impacts by reasonably mimicking pre-construction runoff conditions to the maximum extent practicable by effectively utilizing water quality strategies and technologies. Appropriate BMP measures including but not limited to grass swales, inlet filters, and underground storage chambers should be utilized, as required. This includes but is not limited to the installation of enforced turf mat in lieu of rock blanket at any storm discharge location.
3. Any land disturbance which includes disturbance of root zone, grading or filling, requires a City of Arnold Grading and Storm Water Pollution Prevention Permit.

K. SANITARY SEWER

1. Sanitary sewers shall be as approved by the City of Arnold and Missouri-American Water.

L. MISCELLANEOUS

1. This property shall be developed in conformance with specifications submitted and as approved in the Final Site Development Plan by the Planning Commission and City Council, contained in Attachment "B".
2. All uses shall operate in accordance with the appropriate performance standards contained in the Zoning Ordinance.
3. Refer to the Code of Ordinances of the City of Arnold and Section 405.340 "C-4" Planned Commercial District for requirements specific to the "C-4" Zoning District.
4. All utilities will be installed underground.

II. COMMENCEMENT OF CONSTRUCTION

- A. Substantial construction shall commence within two (2) years of approval of this ordinance and Final Development Plan, unless otherwise authorized by ordinance.
- B. Where due cause is shown by the developer, the City Council may extend the period to commence construction for two (2) additional years.

**PLANNING COMMISSION
ROLL CALL SHEET**

DATE: 8/13/2019							
CALLED TO ORDER: 7:00 P.M.							
ADJOURNMENT: 7:55 P.M.							
	ROLL CALL	2019-27 - APPROVED	2019-29 - APPROVED	2019-30 - APPROVED	2019-31 - APPROVED		
CHRIS FORD	P	Y	Y	Y	Y		
JUSTIN LURK	EXCUSED						
BRIAN MCARTHUR	P						
ALAN BESS	EXCUSED						
JOHN TUCKER	P	Y	Y	Y	Y		
FRANK KUTILEK	P	Y	Y	Y	Y		
JEFF CAMPBELL	P	Y	Y	Y	Y		
DEL WILLIAMS	P	Y	Y	Y	Y		
ANDREW SUTTON	P	Y	Y	Y	Y		
DAVID BOOKLESS	P	NO VOTE					
SARAH TURNER	P	NO VOTE					
CHRISTIE HULL-BETTALE	P	NO VOTE					
CITY ATTORNEY ROBERT SWEENEY	P	NO VOTE					